Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Appeal Ref: APP/A2525/W/25/3372173
Little London, Long Sutton PE12 9LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Brownmoor Developments (Long Sutton) Ltd against the decision of South Holland District Council.
- The application Ref is H11-0120-24.
- The development proposed is described as "Proposed residential development of 123 dwellings as an amendment to current extant permission H11-0398-12 for 87 dwellings".

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Brownmoor Developments (Long Sutton) Ltd against South Holland District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:

- the effect of the proposal on the surrounding area and future users with particular regard to layout design, density and public open space;
- the effect of the proposal on the living conditions of occupiers of neighbouring properties with regards to noise, disturbance and pollutants;
- the effect of the proposal on highway safety in relation to access and vehicular traffic;
- the effect of the proposed development on biodiversity;
- whether the proposal provides suitable affordable housing provision; and
- the requirement for planning obligations.

Reasons

Effect on surrounding area and future users

4. The appeal site can be described as being edge of settlement with built development to the north and west, with fields to the south and east. The site has

been identified as a “committed housing site” and that the site has an extant planning permission for 87 dwellings.

5. The proposed development would represent an approximate 41% increase in housing numbers over the extant permission. The proposal would result in a density of around 19 units per hectare which would be relatively low for an edge of settlement development in this particular area which has built development immediately to the west of the site.

6. The layout design of the proposal is uniformed with uninteresting set rows of housing. Whilst there are elements of garden areas to the front of the proposed properties, it is considered that driveways and subsequently the presence of vehicles would be highly dominant within the appearance of the proposed housing estate. Plots 61 to 75 have houses that would back onto the centrally located public open space (POS) which visually would be jarring and also provides a lack of natural surveillance. I do acknowledge that the properties on plots 6 to 9, 42 to 43 and 90 to 97 would overlook the POS which would mean that there is an element of surveillance. The attenuation ponds and the existing orchard would have limited natural surveillance from the proposed properties however, this would be due to the location of these areas being on the east boundary of the site.

7. The proposed layout design would not be of a high standard. The concerns I have raised above would be primarily limited to views from within the site and would not have an adverse effect on the character of the surrounding area outside of the site. So, whilst the design quality of the proposed development is substandard, I do not find that the proposal would have an unduly harmful effect on the wider surrounding area.

8. The proposed development would not be harmful to the character and appearance of the surrounding area or to future users. The proposal therefore would not be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP) which seeks development to create distinctive places.

Living conditions

9. The proposal would inevitably increase the movements of vehicles in the surrounding area. The submitted Transport Assessment details that the development could generate around 575 two-way vehicle movements on an average weekday. This is a significant number of vehicle movements that would generate noise and emissions which could affect occupiers of surrounding properties, particularly those that live in properties in close proximity to the proposed access.

10. I note that the site has the extant permission for 87 properties. However, there is minimal compelling evidence, such as in a noise or pollution report, to convince me that the proposed development and the amount of vehicle movements on a daily basis would not compromise or disturb the living conditions of neighbouring occupiers in terms of noise and pollutants.

11. In the absence of convincing evidence, the proposed development could be harmful to the living conditions of occupiers of neighbouring properties with regards to noise, disturbance and pollutants. The proposal would be contrary to Policies 2, 3 and 30 of the SELLP which seeks development to take account of the impact on neighbouring land uses by reason of noise, disturbance and pollution.

Highway safety

12. The proposed development would be accessed from the highway to the west of the site. This highway is wide with two lanes, and the proposed junction would provide sufficient visibility splays to ensure that vehicles can enter and leave the site without any significant obstruction. The Council's Highway Authority indicate that the proposal would not result in severe impact and they do not object on highway safety grounds. From the evidence before me, I am satisfied that the proposal would not have an adverse effect on highway safety in the area.

13. The proposal would not be harmful to highway safety with regards to the access. The proposed development would be in accordance with Policies 2, 3 and 36 of the SELLP which seeks development to take account of access, vehicle generation levels and parking.

Biodiversity

14. Part 6 of the Environment Act 2021 (EA) requires developers for major developments to provide quantified evidence of at least 10% net gain in biodiversity which must be done through the statutory biodiversity metric. This requirement is applied to all major applications made on or after the 12 February 2024. The application form states that this application was submitted on 9 February 2024, and an email from the Council dated 12 March 2024 confirms that the biodiversity net gain requirement with regards to Part 6 of the EA does not apply to this proposed scheme.

15. Nevertheless, Policy 28 of the SELLP does require all development proposals to provide an overall net gain. The submitted Preliminary Ecological Appraisal does not refer to this Policy but does conclude that realistic recommendations to achieve net gain can be examined through the use of the DEFRA Biodiversity Metric 4.0 Calculator. The appellant has indicated that this proposal would provide a greater net gain than the extant development. However, minimal evidence in terms of biodiversity net gain has been submitted on the proposal subject of this appeal, and I am therefore unable to determine whether the proposal provides an overall net gain. The proposed development therefore would not comply with Policy 28 of the SELLP.

Affordable housing

16. The development proposes 57 of the units would be affordable homes. This amount of affordable homes surpasses the requirement in Policy 18 of the SELLP. The appellant states that the reason for this oversupply in affordable homes is to address shortfall in the district and Long Sutton in particular. The Council committee report states that the Housing Support team commends the provision of 57 affordable homes and that it aligns with the policy requirements for the district.

17. The layout plan proposes that the affordable units would all be amalgamated together in one location of the site. The Council are concerned that this does not promote mixed and balanced communities. The 'pepper pot' concept has been described as best practice in order to ensure affordable homes are sited in a scattered approach across a proposed development. It has been described that the affordable homes would include a mix of two, three, four and five bedroom homes and therefore whilst these units would be sited together, they would not

compromise the aim to provide mixed and balanced communities within the proposed development scheme.

18. The proposal would provide suitable affordable housing provision and would be in accordance with Policy 18 of the SELLP.

Planning obligations

19. The Council detail that a section 106 legal agreement (s106) is required in order to secure planning obligations relating to affordable housing provision and public open space, as well as contributions towards education, the NHS and highways. The appellant has confirmed these obligations in a heads of terms within their statement of case. It is necessary that I consider these obligations against the three tests set out in the National Planning Policy Framework (the Framework) and Regulation 122(2) of the CIL Regulations.

20. The Council committee report states that £7,254.73 is required towards the NHS. However, the consultation response from the NHS concludes that a contribution of £81,180 is required for the development. This is an obvious discrepancy with regards to how much contribution is required for the NHS.

21. Similarly, there are discrepancies with regards to highway contributions, as the committee report refers to a sum of £446.83, whereas the Local Highway Authority consultation response dated 7 August 2024 details a s106 sum of £5000.

22. A contribution of £152,296.54 has been indicated as being a requirement for education. There is minimal evidence submitted with this appeal which indicates how this figure meets the statutory tests including how this figure is calculated, where the commuted sum would be spent and how it relates to planning policy.

23. Policy 32 of the SELLP sets out the requirements for when a development increases the need for recreation open space. The development proposes public open space areas however there is minimal evidence which details whether the amount provided is adequate for the development proposed and the demand resulting from the increase of people in the area.

24. Policy 18 of the SELLP seeks the provision of affordable housing in new residential schemes. The development would deliver in excess of the requirement detailed in Policy 18 and would therefore help to contribute towards a mixed and balanced community in the wider district and meet an affordable housing need. The affordable housing contribution would comply with Policy 18 of the SELLP.

25. From the evidence before me, I am not satisfied that the obligations relating to public open space and the contributions towards education, the NHS and highways are necessary to make the proposed development acceptable in planning terms and therefore would not meet the statutory tests of Regulation 122(2) of the CIL Regulations.

26. The obligation relating to affordable housing would meet the statutory tests in Regulation 122(2) of the CIL Regulations and therefore would be a material consideration in this planning appeal.

27. The appellant has detailed a timeline of correspondence with the Council in relation to the drafting of a s106. This timeline finishes on 7 March 2025 prior to the planning application being heard at the Councils planning committee. There

does not appear to be any further correspondence from either party on this matter, including the lead up to the submission of this appeal. A completed s106 has not been submitted as part of this appeal. Given I have found that the obligation for affordable housing is necessary, and in the absence of a s106 that can secure the provision of affordable housing, the proposal therefore does not accord with Policy 18 of the SELLP in this regard.

Conclusion

28. I have found that the proposal would not have a harmful effect on the surrounding area and future users, and highway safety. I am also satisfied that the proposed scheme could provide adequate affordable housing provision. However, a suitable mechanism has not been provided that would ensure the delivery of the proposed affordable housing provision. There is also insufficient evidence in terms of biodiversity net gain, noise and pollution.

29. The proposed development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework which outweighs this finding.

30. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR